

REMARKS

Applicants respectfully request consideration of the application in view of the foregoing amendments and the following remarks.

The specification is amended herein to correctly reflect the status of priority documents U.S.S.N. 60/150,728, and U.S.S.N. 60/210,143 as expired.

Claim 31 is amended herein to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Support for the amendment can be found, *inter alia*, in the Specification at page 11, line 25 to line 27. Presently, claims 31-34 are pending. No new matter has been added.

Double Patenting

Claims 31-34 are rejected as unpatentable over claims 1-14 of parent case 09/642,405, now U.S. Patent No. 7,001,995, on the ground of nonstatutory obviousness-type double patenting. It is alleged that the instant claims are not patentably distinct over the claims of U.S. Patent No. 7,001,995, but are obvious variants thereof. Applicants respectfully traverse.

Applicants disagree with the rejection, but submit herewith a terminal disclaimer in order to advance prosecution of this case. Said terminal disclaimer disclaims the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 7,001,995.

Accordingly, Applicants respectfully request the reconsideration and withdrawal of the instant rejection.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claim 31 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action states that claim 31 is vague and indefinite because of the recitation "between 1 ng and 100 mg of a composition comprising a synthetic nucleotide." The Office Action further states that a composition contains more than one component and it is unclear which component the quantity refers to.

In response thereto, Applicants have amended claim 31 herein to indicate that the claimed method comprises administering to a subject "a composition comprising between 1 ng and 100 mg of a plasmid vaccine vector and a pharmaceutically acceptable carrier." The amended claim clearly indicates that the 1 ng to 100 mg quantity refers to the plasmid vaccine vector. Accordingly, Applicants

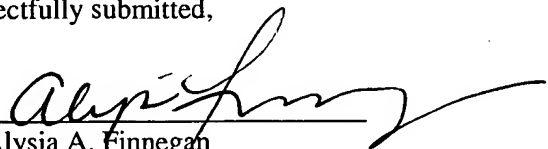
assert that claim 31, as amended, is in condition for allowance and respectfully request that the rejection of the claim be removed and the claims allowed.

Summary

Applicants respectfully submit that all claims are in condition for allowance and a favorable action on the merits is earnestly solicited. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if such would advance the prosecution of the case.

Respectfully submitted,

By


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